



State of California  
**Respiratory Care Board**  
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**Inquiry:** Does the Respiratory Care Board regulate or establish the employment status of a Respiratory Care Practitioner as to whether they are, for employment reasons, either an "employee" or an "independent contractor"? Specifically, does the RCB require that all RCP's be employed only as an "employee" and that they cannot be employed as an "independent contractor"? These questions are predicated on the assumption that the RCP meets all the other requirements of the Board for performance of duties within Scope of Practice. These include maintaining all licensure, professional liability insurance (either personally or through the contracting/employing entity), and operating under the direct or indirect supervision of a supervising physician or medical director.

**Response:** The Board does not regulate the employment status of a licensed respiratory care practitioner. It does however; regulate the requirements that must be met in order for a practitioner to perform respiratory care services in the state of California. These regulations are outlined in sections 3702 and 3703 of the Respiratory Care Practice Act.

Reference # 2004-C-10